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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:

EAC 06 039 50228

Office: VERMONT SERVICE CENTER

Date: SEP 07 2007

IN RE:

Petitioner:


Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center. The Administrative Appeals Office (AAO) sustained a subsequent appeal, thereby approving the petition. The previous decision of the AAO will be withdrawn and the approval of the petition will be revoked.

The regulation at 8 C.F.R. § 103.3(a)(2)(ix) provides that a petitioner may withdraw an appeal in writing before a decision is issued. The petitioner filed its appeal on August 11, 2006. On May 16, 2007, the petitioner filed a written withdrawal of the appeal. However, on June 1, 2007, the AAO issued a decision sustaining the appeal and approving the petition. As the petitioner properly notified Citizenship and Immigration Services (CIS) of its withdrawal of the appeal, the AAO's June 1, 2007 decision sustaining the appeal was entered in error and is hereby withdrawn. *See Matter of Cintron*, 16 I&N Dec. 9 (BIA 1976).

The regulation at 8 C.F.R. § 205.1(a)(3)(iii)(C) provides that an approval of a petition filed pursuant to section 203(b) of the Act, other than special immigrant juvenile petitions, is automatically revoked as of the date of approval upon written notice of withdrawal by the petitioner if the withdrawal is made before the decision on the beneficiary's application for adjustment of status to permanent residency becomes final. CIS records show that the beneficiary's adjustment application (Receipt Number SRC 07 084 54546) is currently pending with the Texas Service Center. Accordingly, the June 1, 2007 approval of the petition is hereby revoked.

The regulation at 8 C.F.R. § 205.1(b) provides that when it shall appear that the approval of a petition is automatically revoked, CIS shall provide notice of the revocation to the petitioner's last known address.

ORDER: The June 1, 2007 decision of the Administrative Appeals Office is hereby withdrawn and the approval of the petition is revoked as of that date.